

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ELIZABETH COX, individually and on behalf
of all others similarly situated,

Plaintiffs,

vs.

GRUMA CORPORATION, *et al.*,

Defendant.

Case No.: 12-CV-6502 YGR

ORDER DIRECTING RESPONSIVE BRIEFING
RE: RESPONSE LETTER FROM THE U.S. FOOD
AND DRUG ADMINISTRATION

By Order issued July 11, 2013, this Court stayed this action for a period of six months and referred to the U.S. Food and Drug Administration (FDA), for an administrative determination, the question of whether and under what circumstances food products containing ingredients produced using bioengineered seed may or may not be labeled "Natural" or "All Natural" or "100% Natural." (Dkt. No. 68.) The court's order further stated that the Defendant's motion was granted with respect to primary jurisdiction only, and was otherwise denied without prejudice to re-filing upon an order dissolving the stay ordered herein. (*Id.* at 4.)


The FDA has now responded to that referral. (Dkt. No. 70.) In light of the response, the Court **ORDERS** as follows:

(1) the stay of this action is **DISSOLVED**;

(2) the parties are directed to file response briefs of addressing the effect of the FDA's position, as stated in the response letter, on the application of the primary jurisdiction doctrine to the claims alleged herein. The response briefs shall be no more than ten (10) pages and shall be filed by **January 24, 2014**. Each side shall be permitted to file a rebuttal of no more than five (5) pages by **January 31, 2014**.

IT IS SO ORDERED.

Date: January 10, 2014


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE